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Serial No. 10/686,832  
Response to Official Action

**In the Drawings**

There are no amendments to drawings.

### **Remarks**

Applicant has amended claims 11, 16 and 17. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 1 – 9, 11 – 13 and 15 - 17 under 35 U.S.C. §102(b) as anticipated by U.S. Patent Application Publication No. 2002/0030207 to Wemyss et al. ("the '207 application"). The Examiner has further rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over the '207 application in view of U.S. Patent No. 5,249,716 to O'Sullivan ("the '716 patent"). "). The Examiner has still further rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over the '207 application in view of U.S. Patent No. 2,331,487 to McNeal ("the '487 patent"). These rejections are respectfully traversed.

### **35 U.S.C. §102(b) Rejections**

Claims 1, 11 and 17 all require among other limitations that the protrusion extend generally or substantially parallel with the nozzle. Alternatively, the '207 application discloses that the "guides consist of two opposing planes, each being attached to and displaying outwardly from opposite sides of the lip of the top end of the collar, and in divergent relation to one another." (Para. 19; See FIGS. 1 – 3). Clearly then the '207 ap-

plication fails to disclose a protrusion extending generally or substantially parallel with a nozzle.

Therefore, because the '207 application fails to disclose a protrusion extending generally or substantially parallel with a nozzle as required by Claims 1, 11 and 17 it cannot anticipate these claims.

Claim 15 requires among other limitations a plurality of spines attached to and extending from the base portion forming an attachment member, the plurality of spines forming a restriction at a distal end of the attachment member that is smaller than the opening. The Examiner has submitted that this limitation is disclosed as ribs (47). (Official Action 1/12/05, p. 4). However, the ribs (47) disclosed in the '207 application do not form a restriction at a distal end of the attachment member that is smaller than the opening. Rather, the ribs (47) are integral with the guides (46), which clearly are shown as divergently spreading apart from the flange (42). (See, FIGS. 2 & 3). Not only do the ribs (47) fail to form a restriction smaller than the opening, they fail to form any type of restriction at all.

Therefore, because the '207 application fails to disclose a plurality of spines forming a restriction at a distal end of the attachment member that is smaller than the opening as required by Claim 15 it cannot anticipate these claims.

Claim 16 requires among other limitations a nozzle integrally formed with the base portion and extending from the base portion, the nozzle forming an interior cavity

and having an opening at a distal end. The Examiner has not indicated where this limitation is disclosed in the '207 application. Nowhere does the '207 application disclose a nozzle attached to a base portion. Rather, as seen in FIGS. 3 and 6, the nozzle (26) is attached to the tube of compound (20), which may simply be inserted into and through an opening in the flange. (See, FIG. 6 showing the nozzle inserted). Alternatively, Claim 16 is directed toward an alternative embodiment of the invention in which the nozzle is integral with or attached to the base portion which may then be attached to the tube. (See, FIGS. 5 – 7 of the present application).

Therefore, because the '207 application fails to disclose a nozzle attached to the base portion and extending from the base portion, the nozzle forming an interior cavity and having an opening at a distal end as required by Claim 16 it cannot anticipate these claims.

**35 U.S.C. §103(a)**

As stated above, Claims 1, 11 and 17 all require among other limitations that the protrusion extend generally or substantially parallel with the nozzle. The '207 application fails to teach or suggest this limitation. Rather, the '207 application teaches that the guides “splay outwardly from the lip of the top end of the collar 44 at approximately 45 degrees to the axis of the collar 44”, which aids in allowing the dispensing nozzle to “be oriented at different angles, including from an acute or obtuse angle to the application surface.” (Para. 38 & 40). In fact, this teaching is described as one of the primary novel

features of the invention in the '207 application and is specifically claimed. (See, Para. 19; *See also* Claims 1 & 13).

Accordingly, because the '207 application fails to teach or suggest a protrusion extend generally or substantially parallel with the nozzle as required by Claims 1, 11 and 17 but rather teaches away from this limitation, the '207 application cannot render these claims obvious.

As stated above, Claim 15 requires among other limitations a plurality of spines forming a restriction at a distal end of the attachment member that is smaller than the opening. The ribs cited by the Examiner cannot be used to form a restriction as required by Claim 15. Rather, the '207 application teaches that the "guides 46 are each reinforced by a reinforcing rib 47 spanning the longitudinal axis of the guide 46." (Para. 38). Conversely, the spines of the present invention are not used to reinforce the protrusion, but rather are provided to capture the end of the nozzle as illustrated in FIGS. 3A and 3B. Alternatively, the reinforcing member in the present invention for the protrusion is provided as web 118. (See, FIGS. 1 & 2).

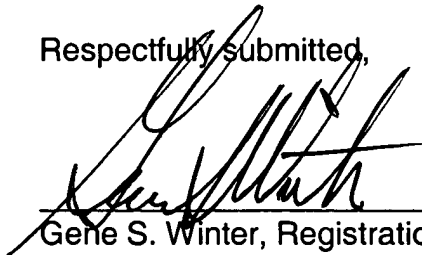
Accordingly, because the '207 application fails to teach or suggest a plurality of spines forming a restriction at a distal end of the attachment member that is smaller than the opening as required by Claim 15 but and in fact provides no structure that performs this function, the '207 application cannot render Claim 15 obvious.

As stated above, Claim 16 requires among other limitations a nozzle integrally formed with the base portion and extending from the base portion. This limitation is not taught or suggested anywhere in the '207 application. In fact, the '207 application actually teaches away from this limitation stating that "[t]he user attaches the invention 40 to the dispensing nozzle 26 of the gun assembly 30 by pushing the flange 42 and collar 44 over the dispensing nozzle 26" showing that it was never contemplated that the nozzle would be provided integral with the base. (Para. 39).

Accordingly, because the '207 application fails to teach or suggest a nozzle integrally formed with the base portion and extending from the base portion as required by Claim 16, the '207 application cannot render Claim 16 obvious.

It is respectfully submitted that claims 1 – 17, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



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Gene S. Winter, Registration No. 28,352  
Steven B. Simonis, Registration No. 54,449  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155